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VIA ECF

September 17, 2021

Hon. James R. Cho
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: MOKLASUR RAHMAN ET'AL VS. TAJ OF INDIA INC., d/b/a
TAJ KABAB KING and AFSOR UDDIN.
Civil Action No: 19-cv-5922 - KAM-JRC
RESPONSE TO PLAINTIFFS' LETTER MOTION DATED 09-09-2021

Dear Hon. Judge Cho:

1. I am attorney for the Defendants in the above captioned case - in which the Plaintiffs Moklasur Rahman and her wife Anwara Begum have sued the Defendants for allegedly unpaid wages, overtimes etc., in the total amount of \$1,577,025.17. The claim of Mr. Rahman is for \$1,043,651.71 based upon the alleged payment of \$200.00/week for alleged 105 hours/week (although in his deposition he said more hours) from October 2013 to September 01, 2019 (while he was getting paid from \$900.00 to \$1,100.00/week, without taking a single day off. On the other hand, Ms. Begum never worked for the Defendants and has made a claim for \$533,367.47 based upon alleged payment of \$200/week for 72 hours/week from March 1, 2015 to September 1, 2019

2. As to the delays mentioned by Plaintiff's attorney in her Motion, these delays are not caused by anyone intentionally. We had first conference between the parties on March 9, 2020, in Plaintiffs' attorney office before COVID 19 restrictions on March 12, 2020, and numerous other reasons documented in Docket record by your Honor and by Hon. Judge Kuo prior to that. The delay in having deposition of Plaintiffs were also due to conflicts of scheduling of attorneys.

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TO. HON JUDGE CHO, LTR. DATED 09-17-2021
RAHMAN ET'AL VS. TAJ OF INDIA INC. ET'AL
USDC EDNY DOCKET NO: 19-CV-5922 (KAM) (JRC)
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3. Plaintiffs complain that Defendants have demanded some documents which were previously demanded which of course were previously demanded and it was agreed upon that we will proceed with the deposition of the Plaintiffs and will address these after the deposition.

4. As to the demand for copies of full passports from 2010 to present, I remember your Honor has said in one of the conferences to provide copies of pages having exit/entry stamps and the Plaintiffs provided 2 pages each of Mr. Rahman & Ms. Begum's passports (no pages identifying the names identification of Plaintiffs, were provided). The trips dates mentioned in Plaintiffs' responses dated April 8, 2021 & dated June 1, 2021, are different. The best solution was and is to provide the copies of all pages of all passports. As per Defendants, the Plaintiffs made more trips than shown. Moreover, there is question with \$200/week, how Plaintiffs could afford those trips. Plaintiffs in the depositions said their children paid for those trips, and even otherwise financially helped them. Thus, the Plaintiffs introduced the issue of their children's income - which raised the question of children's income - Plaintiffs are not willing to give the income taxes of themselves and their children (who supported them) - that brought the issue of third-party subpoenas to travel agents.

5. The Defendants have knowledge from community sources and the time which Mr. Rahman has spent working with Mr. Uddin that Mr. Rahman has a wife and a child in Bangladesh. All these matters raised the issue how Mr. Rahman was able to support two wives and (5+1) children with \$200/week income. Interestingly, neither Mr. Rahman nor Ms. Begum gave the address(es) of places, where they stayed during their trips to Bangladesh. They never wanted to give those address(es) because ownership of those properties could be discovered and according to Defendant Uddin, Mr. Rahman owns one or two properties in Bangladesh.

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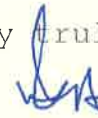
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Mr. Rahman admitted in the deposition that he has been sending money to Bangladesh through PLACID money transfer.

6. Mr. Rahman during deposition, when asked to read a document in English, stated he has only primary school (5 years) education in Bangladesh and cannot read & write English. The community sources tell that Mr. Rahman has gone to college (may not have completed) in Bangladesh - where English is taught in Middle School and up. The defendants are not interested in Immigration status because it is known that Mr. Rahman is a U.S citizen. However, the form I-485 (application form to get a Green Card) contains information about his education and that is the most authentic source to find whether he has the primary only or college education. That necessitated the issuance of Subpoena to USCIS.

7. There is a Settlement Conference with the help of the Court on September 21, 2021, at 2:00 P.M. and if the case is settled on that date all these subpoenas and issues will become just a history. However, the Defendants wants to preserve the possibility of discovery, for trial purposes, if there is no settlement. Although the Court has indicated in Dkt. dated 9/10/2021 ORDER re 43, to rule on this discovery dispute prior to the September 21, Settlement Conference, it is however, requested that ruling on this be postponed till after the Conference.
(3 pages limit does not allow me to write more)

Very truly yours,



KHALID M. AZAM

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To Elizabeth Sprotzer, Esq.
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Attorneys for the Plaintiffs